

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LAURA MAIETTA and
WESLEY WILSON III,

Plaintiffs,

v.

C. R. BARD, INC. and BARD PERIPHERAL
VASCULAR, INC.,

Defendants.

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: CIVIL ACTION NO. 2:19-cv-04170-MMB
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**STIPULATION REGARDING TRIAL
EVIDENTIARY AND RELATED MATTERS**

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively “Bard”) and Plaintiffs Laura Maietta and Wesley Wilson III, in an effort to be efficient and streamline evidentiary issues at trial, hereby stipulate to matters, as noted below, and stipulate that they will not comment on, refer to, introduce, or attempt to elicit testimony or evidence of, or argue in the presence of the jury, whether directly or indirectly, including *voir dire*, except as noted below, any of the following:

1. Certain References Regarding the Respective Party’s Experts.

- A. References to the number of times either party’s experts’ testimony has not been accepted by courts in other litigations or cases; and
- B. References to this or other courts’ rulings on admissibility of the parties’ experts’ testimony or opinions.

2. Adverse Impact on Verdict.

Defendants will not argue that a verdict against them will have an adverse impact on the medical community, future medical device research or costs, and the availability of medical care; and will not mention tort reform or any perceived “litigation crisis.”

3. Any Motions in Limine, Motions To Exclude, or *Daubert* Challenges Made by Either Party except as part of an evidentiary objection.

4. C. R. Bard, Inc.’s 1994 Criminal Conviction Regarding an Unrelated Product Line.

In the liability phase of trial (phase 1), Plaintiffs will not refer to or question witnesses about C. R. Bard’s 1994 Criminal Conviction Regarding an Unrelated Product Line. Plaintiffs reserve the right to revisit this stipulation in the punitive damages phase of trial (phase 2), if any.

5. C. R. Bard, Inc.’s or Bard Peripheral Vascular, Inc.’s Financial Status or Wealth during the non-punitive-damages stage of trial.

6. Claims, Theories, or Causes of Actions Dismissed or Withdrawn Prior to Trial.

There will be no references to claims, theories, defenses, or causes of actions dismissed or withdrawn prior to trial.

7. Evidence not Produced in Complaint Files.

Defendants will not present evidence relating to failure rates, complication rates, percentages, or comparative analysis of any injuries that were not produced.

8. Stipulation Regarding Medical Records.

The Parties stipulate that Ms. Maietta’s medical records and bills are authentic and satisfy the business records exception but reserve all other available objections.

None of the above stipulations operate as an agreement that a party has not or did not “open the door” to such testimony by making it relevant. If any party believes that any of these matters

become relevant during trial, they may raise the issue with the Court outside the hearing of the jury.

Respectfully submitted this 30th day of September, 2022.

s/ Clifford A. Rieders

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